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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,996	05/03/2001	Thomas Heidemann	49521	7150
26474	7590	03/03/2004		
KEIL & WEINKAUF 1350 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036			EXAMINER OH, TAYLOR V	
			ART UNIT 1625	PAPER NUMBER

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/830,996	HEIDEMANN ET AL.
	Examiner Taylor Victor Oh	Art Unit 1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 December 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 9-26 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

The previous Office Action has been vacated. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

The Status of Claims :

Claims 1-8 are pending.

Claims 1-8 have been rejected.

Claims 9-26 have been withdrawn from consideration.

Claim Objections

Claims 7 and 8 are objected to because of the following informalities:

In claims 7 and 8 , there is a need for a period at the end of the table (reflections vs. the specified lattice spacings) and at the end of the table (reflections vs. the relative intensities). Therefore, an appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated clearly by Takada et al (U.S. 4,965,151).

Takada et al discloses a mult metal oxide $\text{Ag}_x\text{V}_2\text{O}_{5-y}$, where x is between 0.6 and 0.8 and y is 0 and 5 (see col. 3 ,lines 10-11); especially , $\text{Ag}_{0.6}\text{V}_2\text{O}_5$, $\text{Ag}_{0.65}\text{V}_2\text{O}_5$,

$\text{Ag}_{0.8}\text{V}_2\text{O}_5$, $\text{Ag}_{1.0}\text{V}_2\text{O}_5$, and $\text{Ag}_{1.2}\text{V}_2\text{O}_5$ (see col. 9, lines 55-56). Furthermore, according to its crystal morphology, the claimed compound has inherently the claimed properties, such as X-ray diffraction pattern and specific surface area, water ,and etc. This is identical with the claims.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated clearly by Volkov et al (Zh. Neorg. Khim (1988), 33 (7), 1833-5).

Volkov et al discloses a mult metal oxide $\text{Ag}_{x-y}\text{Cu}_y\text{V}_2\text{O}_5$, where x is between 0.67 and 0.80 and y is > 0 ; especially, $\text{Ag}_{0.5}\text{Cu}_{0.5}\text{V}_2\text{O}_5$ (see abstract page). In addition, the reference teaches a mult metal oxide, $\text{Ag}_{0.8}\text{V}_2\text{O}_5$ (see abstract page). Furthermore, according to its crystal morphology, the claimed compound has inherently the claimed properties, such as X-ray diffraction pattern and specific surface area, water ,and etc. This is identical with the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taylor Victor Oh whose telephone number is 571-272-0689. The examiner can normally be reached from 8:30-5:00 on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mckane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*** *Jan 26 2004*
2/26/04

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PRIMARY EXAMINER
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